

Applicant : Virginia Cornish
Serial No.: 10/056,874
Filed: January 24, 2002
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Remarks

Claims 1, 5, 15-22, 30-40, and 55-56 are pending in the subject application.

In the April 15, 2005 Office Communication, the Examiner alleged that applicant's July 16, 2004 Amendment filed in connection with the above-identified application was not fully responsive to the prior June 16, 2004 Office Action on the asserted basis that applicant failed to indicate which of the claims read on the elected invention.

Applicant's July 16, 2004 Amendment elected the invention of Group V, and specified that it contains claims 30-40, and 55-56. For sake of clarity, applicant states that all claims 30-40, and 55-56 read upon the elected invention.

The June 16, 2004 Office Action also required applicant to elect a species if Group V was elected. Specifically, in paragraph 19 of the June 16, 2004 Office Action, the Examiner advised applicant that a reply to the restriction requirement must include an identification of the species that are elected consonant with the requirement and a listing of all claims readable thereon. Thus, while the April 15, 2005 Office Communication alleged applicant did not indicate which claims are readable on the elected "invention", applicant interprets the April 15, 2005 Office Communication as a request to indicate which claims read upon the elected species.

Therefore, applicant reproduces the election of species as indicated in the July 16, 2004 Amendment below and indicates which

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claims are readable on the elected species.

For Examiner's Subgroup 1, no species can be designated for the method of claim 30 because claim 30 recites a method of identifying the unknown species. The species used in applicant's examples is a Methotrexate moiety. Methotrexate can be used as the species for initial examination of a known ligand of claim 38. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

For Subgroup 2, applicant elects for initial examination the cephem moiety disclosed on page 49 of the specification which binds to the penicillin-binding protein. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

For Subgroup 3, applicant elects for initial examination: A) the known target receptor penicillin-binding-protein for claim 30; and B) the unknown cDNA derived receptor for claim 38. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

From Subgroup 4, applicant elects for initial examination the fusion protein eDHFR-LexA as the species of the first fusion protein. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

For Subgroup 5, applicant elects for initial examination the fusion protein R61-B42 as the species of the second fusion protein. Claims 30-40 are readable on the elected species of this subgroup.

For Subgroup 6, applicant elects for initial examination a yeast cell as a species of cell. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

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For Subgroup 7, applicant elects for initial examination a lacZ reporter gene as a species of reporter gene. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

For Subgroup 8, applicant elects for initial examination a competitive binding as a species of binding. Claims 30-40 and 55-56 are readable on the elected species of this subgroup.

For the record, applicant once again points out that the June 16, 2004 restriction requirement is not proper under 35 U.S.C. §121 and once again respectfully requests that the Examiner reconsider and withdraw the requirement for reasons of record.